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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,760	07/26/2001	Peter S. Atherton	PARP-129XX	7473

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BOSTON, MA 02109

EXAMINER
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TWEEL JR, JOHN ALEXANDER

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 08/15/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/915,760

Applicant(s)

ATHERTON ET AL.

Examiner

John A. Tweel, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) 1-13 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-50, 54-57 and 60-65 is/are allowed.
- 6) ☒ Claim(s) 51-53, 58 and 59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of claims 14-65 in Paper No. 5 is acknowledged. The traversal is on the ground(s) that the adhesion coating composition is formulated for use with the transponders, and the transponders include the adhesion coating. This is not found persuasive because the specific adhesion coating cited in claim 1 is not particular to the proper function of the tamper-evident transponder. The Examiner will not search for only this particular chemical composition. The Examiner will; however, search for transponders using this particular chemical composition.

The requirement is still deemed proper and is therefore made FINAL.

### ***Specification***

2. The disclosure is objected to because of the following informalities:
- Page 4, Lines 10-30: Every instance of a drawing in multiple parts such as Figures 2A and 2B should be listed as such in the Brief Description of the Drawings.
  - Page, 24, Line 21: The second instance of the verb "is" is not needed.
  - Page 28, Line 30: The verb --be-- is needed after "can".
  - Page 29, Line 18: The label is listed here as No. 100; however, in the drawings the label is No. 900.

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- Page 36, Line 14: There is no period at the end of this sentence.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

4. Claims 51-53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 51 recites the limitation "the adhesive" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 52 recites the limitation "the adhesive modifying coating material" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim.

Claim 53 recites the limitation "the adhesion modifying coating" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. Claims 51 and 53 are rejected under 35 U.S.C. 102(b) as being anticipated by **Connolly et al** [U.S. 5,644,295].

For claims 51 and 53, the adhesion (No. 8) of the Connolly reference effects the destructibility of the security device by changing the adhesive properties between certain electronic components of the security device.

7. Claims 58 and 59 are rejected under 35 U.S.C. 102(b) as being anticipated by **Lauro et al** [U.S. 5,604,485].

For claim 58, Figures 1-3 of the Lauro reference depict several transponders onto a single substrate.

For claim 59, the transponders of Lauro operate at several different frequencies.

8. Claims 14-50, 52, 54-57, and 60-65 contain allowable subject matter.

9. The following is a statement of reasons for the indication of allowable subject matter:

The particular chemical composition and specific methods of applying said chemical composition is not to be found in the prior art when applied to a flexible tamper-indicating label.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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**Hunn et al** [U.S. 3,671,721] depicts several transponders on a single substrate.

**Yamada et al** [U.S. 4,029,945] comprises a plurality of code storing mediums on one card.

**Larsson** [U.S. 4,752,680] shows an information carrier with several RF circuits.

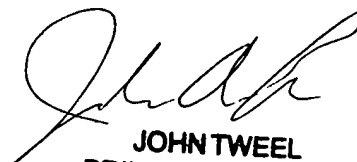
**Gustafson** [U.S. 6,050,622] teaches differentiating gluing for tamper indicating.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Tweel, Jr. whose telephone number is 703 308 7826. The examiner can normally be reached on M-F 10-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass can be reached on 703 305 4717. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9314 for regular communications and 703 872 9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305 3900.

JAT  
August 9, 2003



JOHN TWEEL  
PRIMARY EXAMINER